

REMARKS

Applicants have carefully reviewed the Office Action dated November 30, 2005. Reconsideration and favorable action is respectfully requested.

Claims 1, 5, 7, 9-11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Tognazzini* in view of *Picco* in view of *Harvey*. This rejection is respectfully traversed.

The Examiner has rejected the claims primarily due to the fact that he considers the reference *Picco* to disclose, referring to column 8, lines 21-40, the user-specific information in the satellite signal that can include a data identification code, and also that the private data can include command and control data in addition to local content. Thus, the Examiner considers that it would have been obvious to combine the teachings of *Picco* with that of *Tognazzini* for the purpose of allowing an advertiser better control of an advertisement display in order to more effectively reach a user. However, the main deficiency in *Tognazzini*, and also in *Picco*, is that neither reference, taken singularly or in combination, disclose the advertising and control information which are sent in conjunction with each other such that the advertising information can be displayed at substantially the same time that the control information was received. It appears that the Examiner is relying on *Harvey* for this support. The *Harvey* reference is believed not to provide this support. The *Harvey* reference basically describes a system wherein control information is transmitted separate from any advertising information, i.e., assuming the Examiner is utilizing *Harvey* for the concept of transmitting control and advertising information in the same signal for the purpose of displaying that advertisement at substantially the time that the control information is received. However, the control information is received in a video broadcast, and this is utilized to control certain actions of a micro-computer. In one example, the micro-computer is controlled to basically calculate information that can be "inserted" into a received

AMENDMENT AND RESPONSE

S/N 09/382,374

Atty. Dkt. No. PHL-24,736

video broadcast. The example that is utilized in *Harvey* is where a user's stock portfolio is calculated and then this calculated portfolio, in the form of a graph, can be inserted into a received video program (in which the control information was imbedded) at a particular time during that broadcast. Thus what is controlled is the insertion of new and additional information that is actually calculated and generated at the remote location into a broadcast, as opposed to actually displaying the broadcast information at substantially the same time as the control information was received. In claim 34 of *Harvey*, which the Examiner noted as one aspect of his support, there is disclosed a system wherein the control signal is utilized to select a channel. However, this control signal must be received on a different channel than the advertising information, and, therefore, this information cannot be transmitted in the same signal. Therefore, Applicant believes that *Harvey* falls short on providing the support necessary to overcome the deficiencies noted in the previous response with respect to the combination of *Tognazzini* and *Picco*. It is also noted that the *Harvey* reference is very lengthy, and Applicant has not examined this to the full extent necessary that there may not be some disclosure therein regarding Applicant's invention. However, Applicant believes that the *Harvey* reference is directed to an entirely different concept than what is defined by Applicant's amended claims. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection with respect to claims 1, 5, 7, 9 - 11, and 13.

The remaining claims, claims 2, 3, 4, 6, 12, and 14, stand rejected under 35 U.S.C. 103 (a) in view of the above-noted combination of references and further in view of the *McKiel* reference. This rejection is respectfully traversed.

The *McKiel* reference does not overcome the deficiencies noted hereinabove with respect to the combination of *Tognazzini*, *Picco*, and *Harvey*, and, since these are dependent claims, Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection with respect to claims 2, 3, 4, 6, 12 and 14.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the

AMENDMENT AND RESPONSE

S/N 09/382,374

Atty. Dkt. No. PHL-24,736

claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,736 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants

/gmh/
Gregory M. Howison
Registration No. 30,646

GMH:cr:sjg

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
May 30, 2006